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In re Application of  
BARCLAY *et al*  
U.S. Application No.: 10/575,765  
PCT No.: PCT/GB2004/003791  
Int. Filing Date: 06 September 2004  
Priority Date: 04 September 2003  
Attorney Docket No.: 22557-3014  
For: SYSTEM AND METHOD FOR  
CREATING, MANAGING AND  
EXECUTING A MULTI-ELEMENT  
PROCESS FOR GENERATING A  
COMPLEX ENTITY

**DECISION ON  
PETITION FOR REVIVAL  
UNDER 37 CFR 1.137(b)**

This decision is in response to the petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 12 April 2006 which is **DISMISSED** without prejudice.

A petition to revive an abandoned application on the grounds that the failure to reply was unintentional pursuant to 37 CFR 1.137(b) must be accompanied by: (1) the required reply (which has been filed); (2) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; (3) any terminal disclaimer required pursuant to 37 CFR 1.137(d); and (4) the petition fee as set forth in 37 CFR 1.17(m). The Director may require additional information where there is a question whether the delay was unintentional. Items (1), (2) and (4) of 37 CFR 1.137(b) are satisfied.

The proper reply in the form of the basic national fee and above-captioned application were provided. The petition fee for a small entity of \$750.00 was submitted. A terminal disclaimer is not required. However, item (3) of 37 CFR 1.137(b) is not yet satisfied.

The affidavits submitted with the petition indicate that counsel was specifically instructed by co-applicant and Managing Director of Proxim-IT, Joan Weibel, not to enter the U.S. national stage of PCT/GB2004/003791. It is noted that the position of Managing Director is one normally presumed to have the authority to sign on behalf of an organization in a foreign countries. See § 324 MPEP.

Nonetheless, paragraph 3 of the Barclay and Weibel affidavit states that "[d]ecisions relating to the PCT Application are to be made jointly." However, petitioners have

provided no documentary evidence (such as employment agreements, contracts, etc.) supporting this assertion. Moreover, this is in direct contradiction of the actions taken by Ms. Weibel here.

Accordingly, additional information is required for a grantable petition as there is a **question whether the delay was unintentional**. See § 711.03(c) MPEP.

The application remains **ABANDONED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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